In the High Court of Judicature at Madras

Dated:05.09.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition No.818 of 2006

V. Madhavan .. Petitioner

vs.

1. The Inspector of Police
   H.6 R.K. Nagar Police Station
   Chennai 600 021.

2. Velankanni
3. Pandian
4. Munusamy .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. K. Shivakumar

For respondents : Mr. M. Babu Muthu Meeran
Addl.Public Prosecutor for R.1

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name V. Madhavan, has filed this petition seeking direction to the first respondent for production of his minor daughter Miss. Nisha Mol, minor aged about 17 years, now under the illegal custody of respondents 2 to 4 herein before this court and set her at liberty.

2. Pursuant to our direction, the detenue by name Nisha Mol, appeared before us. We enquired her. Even according to her, she is a minor and her date of birth being 06.05.1989. In the enquiry, the detenue expressed that she is not willing to go along with the petitioner, who is none else than her father and she fell in love with the 4th respondent, who according to her is employed in a vulcanizing shop. We also enquired the parents of the detenue. They expressed their willingness to take back their minor daughter.

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3. During enquiry it is brought to our notice that the complaint of the petitioner dated 23.08.2006, submitted to the first respondent has not been registered so far and according to him, respondents 3 and 4 kidnapped his daughter. What every may be, the detenue being a minor, aged about 17 years, we cannot permit her to reside elsewhere without the company of the parents. Inasmuch as she is not willing to reside along with her parents, we have no other option, except to sending her to a Government Home. Accordingly, the first respondent is directed to put the detenue by name minor Nisha Mol in the Government Vigilance Home, Kutchery Road, Mylapore, Chennai 600 004. She has to be there till she attains majority and on attaining majority, she is free to take a decision on her own accord.

4. The first respondent is directed to register the complaint of the petitioner dated 23.08.2006 and proceed further according to law. Taking note of the background and factual details referred to above, we direct the Assistant Commissioner of Police, Washermenpet, Chennai to monitor the above investigation and take appropriate action in accordance with law.

With the above directions, this petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Inspector of Police
   H.6 R.K. Nagar Police Station
   Chennai 600 021.

2. The Assistant Commissioner of Police
   Washermenpet, Chennai.

3. The Public Prosecutor,High Court, Madras.

copy to:The Superintendent
Government Vigilance Home
Kutchery Road,Mylapore, Chennai 600 004.

+ 1 CC to Mr.Sivakumar, Advocate SR.No.40702.

H.C.P.No.818 of 2006

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